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SUBJECT: Montenegro Referendum: Rules of the Game Are Set

REF: Belgrade 299

Summary

1. (SBU) The Montenegrin parliament has adopted the EU-proposed ground rules for the independence referendum, which will be held 21 May. Nonetheless, the pro-independence government strongly complained that the EU-recommended 55 percent super-majority is unfair and more stringent than existing European standards. Some government representatives have indicated that they will continue to actively oppose the State Union if the pro-independence movement gains over 50%, but less than 55%. Solana plans to discuss such a "grey zone" scenario with PM Djukanovic, and later opposition leader Bulatovic, in the next two weeks. End Summary.

The EU Sets the Rules

2. (U) Late on 1 March, the Montenegrin parliament adopted the Law on Referendums, which establishes the parameters of the independence referendum and reflects the formal recommendations that the EU supported at Monday's GAERC. The legislation requires 50 percent of registered voters to participate and 55 percent of those who participate to approve the referendum for it to be valid. The law also sets the date as 21 May, approves international observation, postpones local elections until the parliamentary election slated for October, and formalizes a variety of additional, less-controversial guidelines. Additionally, Ambassador Lajcak, the EU's special envoy for the referendum, told emboffs that the pro-Union opposition has dropped its demand that the complicated requirements for approving a referendum as outlined by the Milosevic-era constitution be fulfilled.

3. (U) Lajcak additionally informed us that two outstanding issues remained, although they would be resolved soon. He said that the law requires parliament to approve an international representative to chair the Republic Election Commission by March 11. Brussels will recommend three candidates to Podgorica who would be EU senior diplomats and have legal backgrounds, regional knowledge, and preferably speak Serbian. Lajcak also noted that an agreement on referendum financing was nearly complete. The GoM had Euro 5 million for elections in its CY2006 budget. The EU is proposing that Podgorica spend three million on election/referendum administration and infrastructure. The two sides will divide an additional one million for referendum campaigning and one million for parliamentary elections.

14. (SBU) [Comment: Lajcak said that Javier Solana has invited Prime Minister Djukanovic and opposition leader Predrag Bulatovic to Brussels on 8 March and 15 March respectively. The purpose of these meetings is to reward them for their political maturity and to discuss the political implications of a grey zone result (i.e.- if the pro-Independence side receives a majority of votes cast, but does not surpass 55 percent). Lajcak added that his official mandate ended upon passage of the referendum law, but both sides have requested his continued participation. Coincidentally, Lajcak fits the requirements of the Chair of the Republic Election Board almost perfectly. End Comment].

The Government: Angry, but Accepting

15. (SBU) Clearly distraught pro-independence interlocutors openly expressed their hostility toward the EU's requirement for a 55 percent super-majority. They described the measure as "undemocratic" and that it violated the "fundamental principle of equality of voting rights." Miodrag Vukovic, the parliamentary whip for the ruling Democratic Party of Socialists (DPS), said his party ultimately accepted the measure as a necessity to maintain Montenegro's path toward EU accession. Ivan Brajovic, Vice President of the Social Democratic Party (the junior coalition partner), said that his staunchly pro-independence party would not accept the EU requirements, but did so knowing that its decision would not impede passage of the law. Nonetheless, Ivan Lekoic, Chef d'Cabinet of President Vujanovic, commented that Djukanovic did a good job calming the situation and moving the pro-independence

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side to support the EU proposal.

16. (U) In discussions with emboffs, Vukovic, Brajovic, and Branko Lukovac, Leader of the Movement for Independence, said that they remained confident that their side would receive more than 55 percent of the vote. Nonetheless, they had clearly spent considerable time focusing on a potential response to a grey zone result. Vukovic said that the DPS was considering a variety of reactions, although noted that many party leaders, during an emotionally charged meeting, recommended that the GOM declare independence immediately in case of a grey zone result, regardless of the repercussions. Brajovic and Lukovac suggested that their supporters held similar sentiments.

The Opposition: Now We Have a Chance

17. (U) The opposition forces have generally welcomed the EU recommendations and Srdjan Bozovic, Deputy Head of the Socialist People's Party, told emboffs that it "gives the opposition a real chance to win." The new law addresses many of the pro-Union forces' concerns about access to media, campaign financing, and a continued EU presence. He still complained, however, about the possible influx of private monies to support the pro-independence forces. Bozovic refused to acknowledge a potential grey zone or that the opposition would need to make a special effort to reach out to pro-independence voters in case of a grey zone result. Additionally, he acknowledged that the opposition parties had increased their cooperation, which would be needed for the pro-union side to prevail. He said that the recent decision of the Serbian People's Party to end its isolation and work with the other opposition forces was welcome.

The Ethnic-Albanian Parties: An Important Sideshow

18. (U) Embassadors met with the leaders of the two main ethnic-Albanian political parties, between whom relations have grown distant. Mehmet Barthes, Leader of the Democratic League of Albanians has demanded that Djukanovic agree--in writing--to several long-standing demands of his constituents. Otherwise, he intends to advise them to abstain, which he acknowledges is, in essence, a pro-Union vote. Ferhat Dinosa, leader of the Democratic Union of Albanians and a member of the government, contends that Barthes's politicking is poorly timed and that he should not jeopardize independence from Serbia--a key goal for all ethnic-Albanian Montenegrins--for some local, parochial interests. Although Barthes controls only about 4,000-5,000 ethnic-Albanian votes, these votes could prove crucial if the referendum is as tight as some predict. Nonetheless, pundits suggest that Barthes will not recommend any course of action to his supporters that will lead to a closer union with Belgrade and that this is a game of brinkmanship with Djukanovic. Barthes himself admitted that he was doubtful that his constituents would follow such a directive.

Comment

19. (SBU) The super-majority and other agreements that the EU brokered have injected a sense of uncertainty about the referendum outcome. The independence bloc remains the favorite, with its superior party machinery and significantly larger sources of funds. To get more than 45 percent of the vote, the pro-Union opposition will need to demonstrate much greater unity than it has shown in the past, overcome its former advocacy of a boycott, and reach out to non-parliamentary opposition parties -- including Seselj's Radicals. A grey zone result is quite possible and would cause further disruptions in the State Union relationship as well as inside Montenegro. This means that the EU will then need to continue its brokering role to look for an effective working relationship between the two republics. The ambassador will discuss such contingency planning in his next meeting with EU Envoy Lajcak.

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